

California Regional Water Quality Control Board  
Santa Region

STAFF REPORT  
June 10, 2016

ITEM: \*7

SUBJECT: Appeal for an Exemption from the Minimum Lot Size Requirements for  
Subsurface Disposal System Use - Jay Schneider, 7620 Marilyn Drive, Corona,  
Riverside County, APN 277-171-006

DISCUSSION:

On April 11, 2016, Jay Schneider submitted a request for approval for the use of a subsurface disposal system for an unpermitted detached guest house at 7620 Marilyn Drive, in the Corona area of Riverside County. The property is less than one acre in size (23,087 sq. ft. or 0.53-acres gross). Mr. Schneider owns the lot and currently resides in a single-family home on the site. The existing home and guest house are served by individual onsite septic tank-subsurface disposal systems for the discharge of sanitary wastes. This area of the County is unsewered. Staff denied Mr. Schneider's request for approval of the second septic system. He is now proposing to install an alternative disposal system to serve the detached guest house.

On October 26, 2001, Albert Schneider (former owner) appealed to the Regional Board for an exemption from the minimum lot size requirements for the use of septic tank-subsurface disposal systems to serve an existing 3-bedroom house and 2 detached guest houses that were converted from a barn and a garage. The Regional Board denied Mr. Schneider's request for an exemption as there were too many structures on the 0.53-acre lot being served by septic systems in violation of the minimum lot size requirements. Since that time, the main house was destroyed by a fire and reconstructed in 2014. A new septic system was installed to serve the remodeled home. The new owner, Jay Schneider, also converted one of the detached unpermitted structures back to a barn. There are now only two structures on the property (remodeled home and guest house).

On October 13, 1989, the Regional Board adopted a Basin Plan amendment to incorporate minimum lot size requirements (MLSR) for septic tank-subsurface disposal system use. The Board found that it was necessary to limit the density of new septic tank-subsurface disposal systems to control the nitrate quality problems found in the groundwater of the Region. The MLSR stipulate that new developments for which on-site septic tank-subsurface disposal system use is proposed must have a minimum of one-half acre of land per dwelling unit. To satisfy these requirements Mr. Schneider's dwelling units (remodeled home and detached guest house) would each require one-half-acre minimum lot size. With a density of 0.265 acres per dwelling unit/lot, Mr. Schneider's initial proposal to use a septic system for the second dwelling unit did not comply with the MLSR. Consequently, staff denied his request.

The MLSR specify that project proponents may propose an alternative disposal system for sewage disposal as the basis for an exemption from the minimum lot size requirements. Such a proposal must be reviewed on a case-by-case basis and submitted to the Regional Board for consideration. Mr. Schneider is proposing the use of an alternative disposal system to serve the

detached guest house. The system being proposed is a Puraflo® Peat Fiber Biofilter re-circulating disposal system for the treatment and disposal of sanitary wastes from the guest house.

Provided that this system is operated and maintained properly, use of this alternative system is expected to result in a nitrogen removal efficiency of 70% or more and effluent nitrate-N quality of 10 mg/L or less. Mr. Schneider proposes to enter into a maintenance agreement with a qualified operator for the operation of this alternative system. In addition, Mr. Schneider has agreed to conduct quarterly monitoring of the system for nitrates. Riverside County staff has advised Regional Board staff that Mr. Schneider will be required to obtain an annual permit for the operation of the alternative system and that the County will inspect the system annually to determine if the alternative system is operating as required.

It should also be noted that should the alternative disposal system not operate as required, Mr. Schneider will eliminate the alternative system and will implement an acceptable offset program, as provided by the MLSR.

**RECOMMENDATION:**

Approve Mr. Schneider's request for an exemption from the minimum lot size requirements based on the use of alternative system, with the following stipulations: 1) Mr. Schneider will enter into an agreement with a qualified engineer for the operation and maintenance of the alternative system. A copy of this agreement shall be submitted to staff of the Regional Board and Riverside County Environmental Health; 2) Mr. Schneider will conduct quarterly sampling for one year to determine the nitrate (as N) concentration in the effluent and submit those analyses to the staff of the Regional Board and Riverside County Environmental Health within 30 days after such sampling and analysis has occurred; 3) Mr. Schneider shall operate the alternative treatment system continuously so as to assure a consistent total nitrogen reduction of at least 70%; 4) Mr. Schneider shall obtain an annual permit from the Riverside County Health Department for the operation of the alternative system; and, 5) Should Mr. Schneider sell the property, he is required to disclose all of the conditions of approval stipulated in 1 through 4, above, to the new property owner(s). Mr. Schneider shall also advise the Regional Board and Riverside County Environmental Health in writing of new ownership and confirm that the disclosures identified above have been made.<sup>1</sup> In the event that conditions 1-5 are not satisfied, Mr. Schneider shall implement a program acceptable to the Executive Officer to offset septic system discharges; the program shall provide for the sewer connection of a dwelling unit that would not otherwise be required to connect. The substantive requirements of conditions 1, 2, 3, 4, and 5 (if one year of monitoring data are not available prior to the sale of the property) shall be fulfilled by new owners should Mr. Schneider sell the property.

<sup>1</sup>

It should be noted that Riverside County requires the recordation of alternative disposal systems with the property deed, providing additional assurance that disclosure to buyers is provided. Alternative disposal systems are then permitted for the life of the system and the permit must be renewed annually by the property owner.